

## **EMPLOYERS AND CLAIMS**

### **Can Your Employer Request a Copy of Your Claim File?**

Yes, your employer may request a copy of your Workplace Safety and Insurance Board (WSIB) claim file:

- if your employer does not agree with a decision made by WSIB about your WSIB benefits, or
- if you appeal a WSIB decision.

Your employer cannot obtain a copy of your file unless either you or the employer object to a WSIB decision regarding your claim.

### **Can Your Employer Appeal Your WSIB Claim?**

Yes, your employer can appeal your WSIB claim because they have the same rights as you, namely, the right to disagree with a WSIB decision and the right to retain a qualified representative.

### **Why Would Your Employer Want to Appeal Your Claim?**

- Your employer may not agree with the WSIB decision granting you services or benefits.
- Your employer may want to say something about your appeal.
- The money WSIB receives is collected through premiums paid by employers in Ontario. The more that WSIB pays you, the more your employer may have to pay to WSIB.

### **Will Your Employer Get Everything in Your Claim File?**

Your employer will get everything in your claim file **except** the medical reports. WSIB will not send medical reports to the employer until you are first notified.

### **Can You Prevent Your Employer From Getting a Copy of Your Claim File?**

- No, you cannot prevent your employer from getting a copy of your claim file. You can, however, object to your employer receiving the medical reports from your claim file if they have nothing to do with the appeal.

- When your employer requests your claim file, WSIB will send you a notice asking if you object to the release of any of the medical reports in your file to your employer.
- If you do object, you must advise WSIB within 21 days. When this happens you should speak to a qualified representative.
- If you do object to the release of medical reports and your employer still wants the complete file, the Workplace Safety and Insurance Appeals Tribunal (WSIAT) will ask for written arguments or hold a hearing to decide which reports may be provided to the employer. You should note that WSIAT almost always gives the employer all medical documents, except those that have nothing to do with the injury.
- There is a strict time limit for launching this kind of appeal. You should seek expert advice immediately.

### **IMPORTANT INFORMATION**

There are time limits for appealing WSIB decisions. If you wish to appeal a decision, contact a qualified representative as soon as possible. For more information on time limits, see OWA Fact Sheets 24 and 25 called “Appealing to WSIB” and “Appealing to WSIAT”.

**This Fact Sheet contains general information only. It is not a legal document. To see what the law says, you should look at the Workplace Safety and Insurance Act and WSIB policies. If you require help and do not have a union to assist you, contact the Office of the Worker Adviser:**

- Our toll free telephone number is 1-800-435-8980 (English) or 1-800-661-6365 (French)
- or visit our website at: <http://www.owa.gov.on.ca>

*Cette feuille-info est aussi disponible en français*

